

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13188, of Velma Hammond, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from a grocery store retail sales, first floor to a beauty parlor, part of first floor, in an R-4 District at the premises 1401 "E" Street, S.E. (Square 1063, Lot 42).

HEARING DATES: March 12, 1980 and April 16, 1980

DECISION DATE: May 7, 1980

FINDINGS OF FACT:

1. The subject site is located in an R-4 District on the southeast corner of the intersection of 14th and E Streets, S.E.
2. The subject site is eighty-six feet in length by eighteen feet in width. The site is improved with a building which is presently being used as a grocery store, which is a non-conforming use, on the first floor.
3. The rear of the first floor of the building is also being used as storage for the grocery.
4. The applicant is presently operating the whole first floor with a Certificate of Occupancy No. B81215 which was issued on March 7, 1972 for a "grocery store, retail sales."
5. The applicant proposes to use the back part of the first floor for a beauty parlor, thereby changing the use for that portion of the building, and to continue the use of a grocery store on the front of the first floor.
6. The entrance to the grocery store is on E Street and the entrance to the beauty parlor would be on 14th Street.
7. There would be a maximum of four persons working in the beauty parlor premises at one time
8. A grocery store with incidental storage is a use first permitted as a matter-of-right in the C-1 District. A beauty parlor is also a use permitted as a matter-of-right in the C-1 District.

9. The applicant anticipates that most of her business for the beauty parlor will be from the immediately surrounding neighborhood. There will be very little noticeable traffic generated by the proposed use.

10. The property diagonally across the intersection is zoned C-M-1 and is improved with a Safeway store. There are other commercial and warehouse type uses in the C-M-1 zone. The predominant use of the R-4 District in the area is for rowhouse structures containing single family dwellings and flats.

11. The Capitol Hill Restoration Society, by letter dated March 11, 1980, opposed the application, on the grounds that it was contrary to the intent of the regulations to encourage return of the building to residential use when appropriate and possible. For reasons set forth in the Conclusions of Law, the Board disagrees.

12. Advisory Neighborhood Commission - 6B, by letter dated March 12, 1980, supported the application. The ANC noted that there was concern over adding another non-conforming use in the building. However, the ANC reported that the non-conforming grocery has been in existence over twenty years. The ANC felt that the addition of a beauty parlor would only add a needed neighborhood facility, and would be in harmony with the general purpose and intent of the Zoning Regulations and not affect adversely neighboring property. The Board so finds.

#### CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the application requests a special exception, the granting of which requires the applicant to demonstrate compliance with the requirements of Sub-section 7104.2, Section 7109 and Sub-section 8207.2. The Board concludes that the application meets the requirements of Sub-section 7104.2, in that the proposed use is permitted in the most restrictive district in which the existing use is permitted. As to the requirements of Section 7109, the Board concludes that the proposed use will be a neighborhood facility, and because of the relatively low intensity of the use, will further not be objectionable. The Board further concludes that no extension of area is involved in the application, that no objectionable effects will occur from the beauty parlor use, and that the proposed use will have no adverse effect on the area in which it is located.

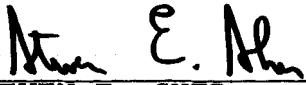
As to the contention of the Capitol Hill Restoration that the application is contrary to the intent of the regulations, the Board concludes that the applicant has met all of the requirements of the applicable regulations and the application therefore must be granted. Furthermore, the Restoration Society has presented no evidence that there would be any significant adverse effects resulting from approval of the application. The Board has found and concluded that no such effects will result.

The Board further notes further the recommendation of ANC-6B in support of the application, and concludes that it has accorded to the ANC the "great weight" to which it is entitled. The Board concludes that the application is in harmony with the general purpose and intent of the regulations and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations. It is therefore, ORDERED that the application be GRANTED.

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Connie Fortune and Leonard L. McCants to GRANT; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

7 JUL 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.